

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

CLOYS HAYNES and	)	
DARLENE HAYNES	)	
	)	
Plaintiffs,	)	CIVIL ACTION FILE
	)	NO.: 1:09-cv-2700-JEC
	)	
CYBERONICS, INC.	)	
	)	
Defendant.	)	
	)	

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**DEFENDANT CYBERONICS, INC.'S NOTICE OF FILING AMENDED  
EXHIBIT "3" TO ITS REPLY IN SUPPORT OF ITS MOTION FOR  
SUMMARY JUDGMENT**

Defendant Cyberonics, Inc. ("Cyberonics") submits this Notice of Filing Amended Exhibit "3" to its Reply in Support of its Motion for Summary Judgment. Respectfully submitted, this 15th day of February, 2011.

THOMPSON HINE LLP

BY: /s/ Z. Ileana Martinez

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DARLENE HAYNES	)	
	)	
Plaintiffs,	)	CIVIL ACTION FILE
	)	
	)	NO.: 1:09-cv-2700-JEC
	)	
	)	(Removed from the State Court
CYBERONICS, INC.	)	of Gwinnett County, Georgia
	)	Civil Action File No. 09C-
	)	14983-1).
	)	
Defendant.	)	
	)	
	)	

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing **DEFENDANT CYBERONICS, INC.'S NOTICE OF FILING AMENDED EXHIBIT "3" TO ITS REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** upon all parties to this matter via electronic filing and/or U.S. Mail addressed to the counsel of record as follows:

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Law Office of W. Bryant Green, III, P.C.  
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This 15th day of February, 2011.

THOMPSON HINE LLP

BY: /s/ Z. Ileana Martinez

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**LOCAL RULE 7.1 CERTIFICATION**

The undersigned counsel hereby certifies that this pleading was prepared with one of the font and point selections approved by the Court in LR 5.1B. Specifically, Times New Roman was used in 14 point.

So certified this 15th day of February, 2011.

/s/ Z. Ileana Martinez  
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